

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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A.M. GOODALE, 00B2411,

Plaintiff,

-v-

H. D. WETZEL, JR., Sergeant;  
J. MEEHAN, Sergeant;  
DAVID ALDERMAN, Corrections Officer;  
DANIEL J. SULLIVAN, Captain;  
RANDY VANNESS, Corrections Officer;  
MARK SHUMAKER, Sergeant;  
DOMINIC MOFFE, Corrections Officer;  
DALE HILLARD, Corrections Officer;  
RICHARD DONAHUE, Lieutenant;  
PAUL CHAPPIUS, JR., Deputy Superintendent  
for Security;  
SUPT. MICHAEL P. MCGINNIS, Superintendent;  
KATHLEEN MURRAY, Registered Nurse 2;  
RICHARD D. ROY, Associate Commissioner/  
Inspector General of Docs; and  
New York State Department of Correctional Services,

Defendants.

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U.S. DISTRICT COURT  
W.D.N.Y.-ROCHESTER

DECISION AND ORDER  
05-CV-0616HBS

Plaintiff, who is incarcerated in the Sullivan Correctional Facility, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). Plaintiff has also filed a motion to amend his complaint (Docket # 3) and forwarded an amendment.

Plaintiff has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. Plaintiff's motion to amend his complaint is unnecessary because he has the right to file an amended complaint without requiring the permission of the Court at any time before a responsive pleading has been filed. Federal Rules of Civil Procedure 15. The

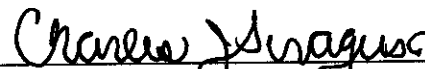
motion to amend the complaint is, therefore, denied as moot. Plaintiff's Amendment to the relief section of his complaint is accepted for filing and the Complaint in this case is deemed to consist of the original complaint together with the paper that begins, "Amendment To Relief Sought" and the paper that begins "Court Copy," which should be attached as an exhibit to the complaint. Plaintiff's complaint, as described, has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint as described above, and this Order upon the named defendant without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendant directed to answer the complaint.

SO ORDERED.

Dated: Nov. 28, 2005  
Rochester, New York



CHARLES J. SIRAGUSA  
United States District Judge